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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,719	08/02/2000	PHILIPPE BOIRE	1247-0855-0V	2442

22850 7590 06/06/2003

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1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PIZIALI, ANDREW T

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 06/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No. 09/486,719	Applicant(s) BOIRE ET AL.	
Examiner Andrew T Piziali	Art Unit 1775	

--The MAILING DATE of this communication appears on the cover sheet with the corresponding address--

THE REPLY FILED 19 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 19 May 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: 18 and 35.

Claim(s) objected to: _____.

Claim(s) rejected: 16-17, 19-34 and 36-38.

Claim(s) withdrawn from consideration: _____.

8. ☒ The proposed drawing correction filed on 19 May 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


DEBORAH JONES
SUPERVISORY PATENT EXAMINER

Continuation of 3.

Applicant's reply has overcome the following rejections: 35 U.S.C. 112, second paragraph rejections of claims 16, 18 and 35.

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments were not persuasive.

Regarding applicant's argument that none of Demiryont, Choi, Allemand, and Byker disclose a coating for attenuating/modifying the color of the glazing in reflection, the applicant is directed to the Final Office Action mailed 12/18/2002 (page 4, lines 14-21 (Demiryont), the paragraph bridging pages 7 and 8 (Choi), page 10, lines 15-20 (Allemand), and the paragraph bridging pages 13 and 14 (Byker)).

Regarding claims 19-20, the examiner asserts that absent a showing of unexpected results, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the coating for attenuating/modifying the color from any suitable material, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. The examiner directs the applicant to the disclosure of Demiryont (column 7, lines 36-52). Demiryont discloses that it is within the ability of those skilled in the art to select a suitable material for the color control layer to achieve both enhanced uniformity and desired hue or color of the coated article.

Regarding claims 23-24, the examiner contends that the applicant has failed to supply any basis for why the rejection of the claims is allegedly improper.

Regarding the comparative data supplied by the applicant, the examiner directs the applicant to 'Response to Arguments' section on page 16, line 13, through page 17, line 10, of the Final Office Action mailed 12/18/2002.

gjf.
6/2/03